

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MACKY R DUCE,

Plaintiff,

VS.

BRAD LIVINGSTON, *et al*,

Defendants.

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CIVIL ACTION NO. C-09-265

**MEMORANDUM OPINION AND ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Since his evidentiary hearing in December 2009, plaintiff has no contact with the court. Counsel for defendants advised that she attempted to contact plaintiff and learned that he had absconded from parole supervision. In view of this information, a show cause order was issued on August 26, 2010, giving plaintiff ten days to contact the court to advise whether he still wished to pursue his claims (D.E. 28). Over one month later plaintiff has not contacted the court or responded to the show cause order. It appears that plaintiff has abandoned any interest in pursuing his claims in this case. The undersigned finds that no lesser sanction than dismissal is appropriate.

Accordingly all of plaintiff's claims are dismissed without prejudice for want of prosecution. Fed. R. Civ. P. 41(b).

ORDERED this 1st day of October, 2010.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE